

9

THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY

CITATION

Cause No. 017-227960-07

AMERICAN AIRLINES, INC.

VS. BIZTRAVELDEALS.COM, ET AL

To and through the Secretary Of State, Statutory Documents Section, 1019 Brazos St, PO Box 12079, Austin TX 78701-207
TO: FAREPORTAL INC

SERVICE OF PROCESS MAY BE HAD UPON DEFENDANT BY DELIVERING TO THE SECRETARY OF STATE, OF THE STATE OF TEXAS, DUPLICATE COPIES OF THIS CITATION TOGETHER WITH DUPLICATE COPIES OF THE PLAINTIFF'S PETITION ATTACHED HERETO. You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 17th District Court, 401 W BELKNAP, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

AMERICAN AIRLINES INC.

Filed in said Court on December 21st, 2007 Against
 BIZTRAVELDEALS.COM, SHAILESH "SAM" JAIN, FAREPORTAL INC, TRAVELONG INC, TRAVELFOCUS LLC, XTS CORPORATION,
 ULTIMATEFARES.COM, TRAVEL SUPPORT CENTER INC
 For suit, said suit being numbered 017-227960-07 the nature of which demand is as shown on said
 PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

DEE J KELLY, JR

Attorney for AMERICAN AIRLINES INC. Phone No. (817)332-2500
 Address 201 MAIN ST STE 2500 FORT WORTH, TX 76102

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the December 21st, 2007

By Michael Intharansy Deputy
 MICHAEL INTIHARANSY

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Thomas A. Wilder, Tarrant County District Clerk
 401 W. Belknap
 Fort Worth, Texas 76196-0402

OFFICER'S RETURN

Received this Citation on the _____ day of _____, at _____ o'clock _____ AM, and executed at _____ within the county of _____, State of _____ on the _____ day of _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____ By _____ Deputy
 County of _____ State of _____

Fees \$ _____

(Must be verified if served outside the State of Texas)

State of _____ County of _____

Signed and sworn to by the said _____ before me this _____ day of _____

to certify which witness my hand and seal of office

(Seal)

County of _____ State of _____

BRUCE ELFANT
CONSTABLE PREC. 5 TRAVIS COUNTY, TEXAS

Pd \$390.00 / ck # 213412 / 6 cts

RECEIVED

2008 JAN -2 AM 11:27
 CONSTABLE PRECINCT 5
 TRAVIS COUNTY, TEXAS

THOMAS A. WILDER
 DISTRICT CLERK

2008 JAN 25 PM 4:22
 TARRANT COUNTY
 FILED

CITATION

Cause No. 017-227960-07

AMERICAN AIRLINES, INC.

VS.

BIZTRAVELDEALS.COM, ET AL

ISSUED

This 21st day of December, 2007

Thomas A. Wilder
Tarrant County District Clerk
401 W BELKNAP
FORT WORTH TX 76196-0402

By MICHAEL INTHARANSY Deputy

DEE J KELLY, JR

Attorney for: AMERICAN AIRLINES INC.

Phone No. (817)332-2500

ADDRESS: 201 MAIN ST STE 2500

FORT WORTH, TX 76102

CIVIL LAW



01722796007000009

SERVICE FEES NOT COLLECTED

BY TARRANT COUNTY DISTRICT CLERK

FILED
TARRANT COUNTY
2008 JAN 25 PM 4:22
THOMAS A. WILDER
DISTRICT CLERK



The State of Texas

Secretary of State

2008-144926-5

I, the undersigned, as Secretary of State of Texas DO HEREBY CERTIFY that according to the records of this office, a copy of the Citation and Plaintiff's Original Petition in the cause styled:

American Airlines Inc Vs Biztraveldeals.com et al
17th Judicial District Court Of Tarrant County, Texas
Cause No: 01722796007

was received by this office on January 2, 2008, and that a copy was forwarded on January 10, 2008, by CERTIFIED MAIL, return receipt requested to:

Fareportal Inc
Attn: Shailesh "Sam" Jain
213 W 35th St Ste 1201
New York, NY 10001

The RETURN RECEIPT was received in this office dated January 15, 2008, bearing the Signature Of Addressee's Agent.

FILED
TARRANT COUNTY
2008 JAN 25 PM 4:21
THOMAS A. WILDER
DISTRICT CLERK

Date issued: January 22, 2008



Phil Wilson

Phil Wilson
Secretary of State

ST/lsv

Cause No.: 01722796007

Plaintiff:
AMERICAN AIRLINES, INC.

Defendant:
BIZTRAVELDEALS.COM,
ETAL

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In the 17TH
District Court
TARRANT County

Officer's Return

Came to hand January 02, 2008 at 11:27 A.M. and executed in Travis County, Texas, on January 02, 2008 at 12:30 P.M. by delivering to FAREPORTAL INC by delivering to Phil Wilson, Secretary of State of the State of Texas, at 1019 Brazos Street, Austin, Texas, 78701, by delivering to HELEN LUPERCIO, designated agent for service for the Secretary of State, duplicate true copies of the citation together with accompanying duplicate true copies of the Plaintiff's ORIGINAL petition.

FEE: \$ 65 Paid

Bruce Elfant,
Travis County Constable Precinct 5
Travis County, Texas

by:

Miracle Mount, Deputy

THOMAS A. WILDER
DISTRICT CLERK

2008 JAN 25 PM 4:21

FILED
TARRANT COUNTY

10

**THE STATE OF TEXAS
DISTRICT COURT, TARRANT COUNTY**

CITATION

Cause No. 017-227960-07

AMERICAN AIRLINES, INC.

VS. BIZTRAVELDEALS.COM, ET AL

To and through the Secretary Of State, Statutory Documents Section, 1019 Brazos St, PO Box 12079, Austin TX 78701-207
TO: SHAILESH "SAM" JAIN

SERVICE OF PROCESS MAY BE HAD UPON DEFENDANT BY DELIVERING TO THE SECRETARY OF STATE, OF THE STATE OF TEXAS, DUPLICATE COPIES OF THIS CITATION TOGETHER WITH DUPLICATE COPIES OF THE PLAINTIFF'S PETITION ATTACHED HERETO.

You said DEFENDANT are hereby commanded to appear by filing a written answer to the PLAINTIFF'S ORIGINAL PETITION at or before 10 o'clock A.M. of the Monday next after the expiration of 20 days after the date of service hereof before the 17th District Court

, 401 W BELKNAP, in and for Tarrant County, Texas, at the Courthouse in the City of Fort Worth, Tarrant County, Texas said PLAINTIFF being

AMERICAN AIRLINES INC.

Filed in said Court on December 21st, 2007 Against

BIZTRAVELDEALS.COM, SHAILESH "SAM" JAIN, FAREPORTAL INC, TRAVELONG INC, TRAVELFOCUS LLC, XTS CORPORATION, ULTIMATEFARES.COM, TRAVEL SUPPORT CENTER INC

For suit, said suit being numbered 017-227960-07 the nature of which demand is as shown on said PLAINTIFF'S ORIGINAL PETITION a copy of which accompanies this citation.

RECEIVED

2008 JAN -2 AM 11:27

CONSTABLE PRECINCT 5
TRAVIS COUNTY, TEXAS

DEE J KELLY, JR

Attorney for AMERICAN AIRLINES INC. Phone No. (817)332-2500
Address 201 MAIN ST STE 2500 FORT WORTH, TX 76102

Thomas A. Wilder, Clerk of the District Court of Tarrant County, Texas. Given under my hand and the seal of said Court, at office in the City of Fort Worth, this the December 21st, 2007

By

[Signature of Michael Intharansy]

Deputy

MICHAEL INTIHARANSY

NOTICE: You have been sued. You may employ an attorney. If you or your attorney do not file a written answer with the clerk who issued this citation by 10:00 AM. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you.

Thomas A. Wilder, Tarrant County District Clerk
401 W. Belknap
Fort Worth, Texas 76196-0402

OFFICER'S RETURN

Received this Citation on the _____ day of _____, _____ at _____ o'clock _____ M; and executed at _____ within the county of _____, State of _____ at _____ o'clock _____ M on the _____ day of _____, _____ by delivering to the within named (Def.): _____ defendant(s), a true copy of this Citation together with the accompanying copy of PLAINTIFF'S ORIGINAL PETITION, having first endorsed on same the date of delivery.

Authorized Person/Constable/Sheriff: _____

County of _____ State of _____ By _____

Fees \$ _____

(Must be verified if served outside the State of Texas)

State of _____ County of _____

Signed and sworn to by the said _____

to certify which witness my hand and seal of office

(Seal)

County of _____, State of _____

FILED
TARRANT COUNTY
THOMAS A. WILDER
DISTRICT CLERK
2008 JAN 25 PM 4:22

BRUCE ELFANT
CONSTABLE PREC. 5 TRAVIS COUNTY, TEXAS

Pol \$390.00 / cl# 213412 / 6-cits

CITATION

Cause No. 017-227960-07
AMERICAN AIRLINES, INC.

VS.

BIZTRAVELDEALS.COM, ET AL

ISSUED

This 21st day of December, 2007

Thomas A. Wilder
Tarrant County District Clerk
401 W BELKNAP
FORT WORTH TX 76196-0402

By MICHAEL INTHARANSY Deputy

DEE J KELLY, JR
Attorney for: AMERICAN AIRLINES INC.
Phone No. (817)332-2500
ADDRESS: 201 MAIN ST STE 2500

FORT WORTH, TX 76102

CIVIL LAW



01722796007000008

SERVICE FEES NOT COLLECTED
BY TARRANT COUNTY DISTRICT CLERK

FILED
TARRANT COUNTY

2008 JAN 25 PM 4: 22

THOMAS A. WILDER
DISTRICT CLERK

Cause No.: 01722796007

Plaintiff:
AMERICAN AIRLINES, INC.

Defendant:
BIZTRAVELDEALS.COM,
ETAL

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In the 17TH
District Court
TARRANT County

Officer's Return

Came to hand January 02, 2008 at 11:27 A.M. and executed in Travis County, Texas, on January 02, 2008 at 12:30 P.M. by delivering to SHAILESH "SAM" JAIN by delivering to Phil Wilson, Secretary of State of the State of Texas, at 1019 Brazos Street, Austin, Texas, 78701, by delivering to HELEN LUPERCIO, designated agent for service for the Secretary of State, duplicate true copies of the citation together with accompanying duplicate true copies of the Plaintiff's ORIGINAL petition.

FEE: \$ 65 Paid

Bruce Elfant,
Travis County Constable Precinct 5
Travis County, Texas

by:

Miracle Mount, Deputy

THOMAS A. WILDER
DISTRICT CLERK

2008 JAN 25 PM 4:22

FILED
TARRANT COUNTY



The State of Texas

Secretary of State

2008-144926-6

I, the undersigned, as Secretary of State of Texas DO HEREBY CERTIFY that according to the records of this office, a copy of the Citation and Plaintiff's Original Petition in the cause styled:

American Airlines Inc Vs Biztraveldeals.com et al
17th Judicial District Court Of Tarrant County, Texas
Cause No: 01722796007

was received by this office on January 2, 2008, and that a copy was forwarded on January 10, 2008, by CERTIFIED MAIL, return receipt requested to:

Shailesh "Sam" Jain
225 W 35th St Ste 1501
New York, NY 10001

The RETURN RECEIPT was received in this office dated January 15, 2008, bearing the Signature Of Addressee's Agent.

FILED
TARRANT COUNTY
2008 JAN 25 PM 4:22
THOMAS A. WILDER
DISTRICT CLERK

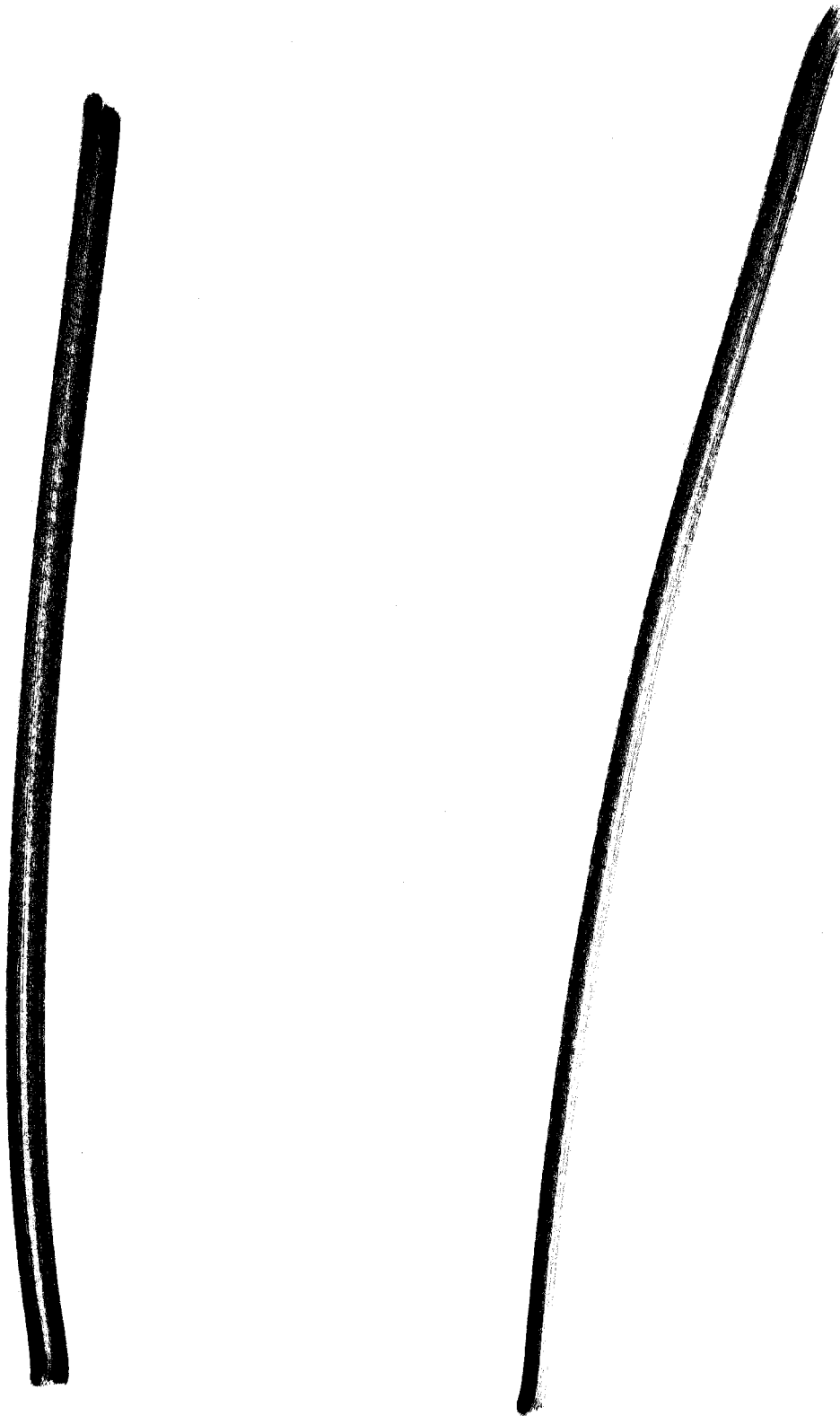
Date issued: January 22, 2008

Phil Wilson

Phil Wilson
Secretary of State

ST/lsv





FROM :Hach Law Office

FAX NO. :8174213680

Jan. 24 2008 05:38PM P2

HACH LAW OFFICE

ATTORNEYS & COUNSELORS

312 W. Northwest Hwy

Grapevine, Texas 76051

email: GJ.Hach@verizon.net

Telephone: (817) 421-3600

Telecopier: (817) 421-3680

January 24, 2008

Mr. George H. Fibbe
Yetter & Warden, L.L.P.
Two Houston Center
909 Fannin, Suite 3600
Houston, Texas 77010

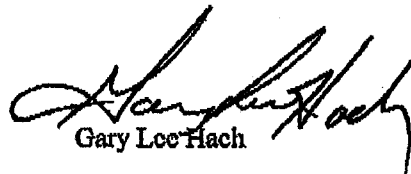
Via Telecopier
713.632.8002

RE: Cause No. 017-227960-07; 17th Judicial District Court, Tarrant County, Texas
American Airlines, Inc. v. Biztraveldeals.com, et. al.

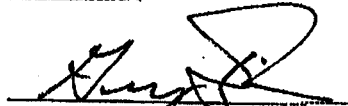
Dear Mr. Fibbe:

Please acknowledge your granting the following Defendants an extension of time until February 29, 2008 to file a responsive pleading in the above-referenced case: Biztraveldeals.com d/b/a Cheapoair.com; Shallesh "Sam" Jain; Fareportal, Inc.; and Travelong, Inc.

Respectfully,


Gary Lee Hach

AGREED:


George H. Fibbe
Attorney for Plaintiff,
American Airlines, Inc.

12

PATTON BOGGS^{LLP}
ATTORNEYS AT LAW

2001 Ross Avenue
Suite 3000
Dallas, TX 75201-8001
214-758-1500

Facsimile 214-758-1550
www.pattonboggs.com

January 30, 2008

Cheryl Jerome Moore
(214) 758-3504
cmoore@pattonboggs.com

Via U.S. Mail

District Clerk
17th Judicial District Court
Tarrant County Courthouse
401 W. Belknap St.
Ft. Worth, TX 76196-0402

Re: Cause No. 227960-07;
American Airlines, Inc. v. Biztraveldeals.com, et al.
In the 17th Judicial District Court, Tarrant County, Texas

FILED
TARRANT COUNTY
2008 JAN 31 AM 10:11
THOMAS A. WILDER
DISTRICT CLERK

Dear Sir or Madam:

Enclosed please find an original and two (2) copies of a **Rule 11 Agreement** to be filed in regard to the above-referenced matter. After the Rule 11 Agreement has been filed, please return an extra file-marked copy to me in the enclosed envelope.

If you have any questions, please do not hesitate to contact me.

Sincerely yours,



Cheryl Jerome Moore

CJM/dm
Enclosures

cc: Dee J. Kelly, Jr. (via U.S. mail)

1/31/08 Copy mailed
on

IMAGED

PATTON BOGGS LLP
ATTORNEYS AT LAW

2001 Ross Avenue

Suite 3000

Dallas TX 75201

(214) 758-1500

Facsimile (214) 758-1550

Cheryl Jerome Moore
(214) 758-3504
cmoore@pattonboggs.com

January 29, 2008

E-MAIL

Dec J. Kelly, Jr., Esq.
Kelly, Hart & Hallman PC
201 Main Street, Suite 2500
Fort Worth, Texas 76102

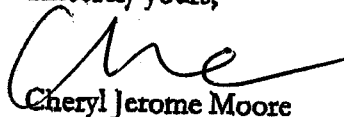
Re: *American Airlines, Inc. v. Biztraveldeals.com, et al.*, 17th Judicial District Court of Tarrant County, Texas, Cause No. 227960-07; Rule 11 Agreement

Dear Mr. Kelly:

It is my understanding that you will agree to give Travel Support Center, Inc. an extension of time to file its response to the Plaintiff's Original Petition. Under this Rule 11 Agreement, Defendant Travel Support Center, Inc.'s response to the Original Petition will be due on February 18, 2008.

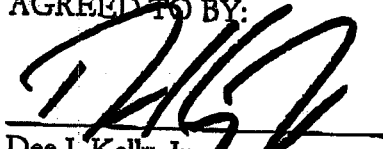
If this letter accurately reflects our agreement, please evidence that agreement by signing below where indicated and return your signature page to me via facsimile at 214-758-1550 or the email address listed above as soon as possible. Thank you for your cooperation in this matter.

Sincerely yours,



Cheryl Jerome Moore

AGREED TO BY:



Dee J. Kelly, Jr.
Attorney for Plaintiff American Airlines, Inc.

13

CAUSE 017-227960-07

AMERICAN AIRLINES, INC

v.

BIZTRAVELDEALS.COM d/b/a
CHEAPOAIR.COM, SHAILESH "SAM"
JAIN, FAREPORTAL, INC.,
TRAVELONG, INC., TRAVELFOCUS,
L.L.C., XTS CORPORATION,
ULTIMATEFARES.COM, and TRAVEL
SUPPORT CENTER, INC. d/b/a
TRAVELATION, f/k/a CORONADO
TRAVEL GROUP, INC.

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IN THE JUDICIAL DISTRICT OF

TARRANT COUNTY, TEXAS

17TH JUDICIAL DISTRICT

FILED
TARRANT COUNTY
2008 FEB -1 PM 4:20
THOMAS A. WILDER
DISTRICT CLERK

DEFENDANT SHAILESH "SAM" JAIN'S SPECIAL APPEARANCE

COMES NOW SHAILESH "SAM" JAIN, Defendant, in this cause, makes this special appearance under the authority of Texas Rule of Civil Procedure 120a for the purpose of objecting to the jurisdiction of the court over the person and property of the defendant, and as grounds, respectfully, show the following:

1. PURPOSE

This special appearance is made to the entire proceeding.

2. SPECIAL APPEARANCE MOTION FILED FIRST

This special appearance motion is filed before any motion, plea, or pleading filed by the Defendant.

3. COURT DOES NOT HAVE JURISDICTION OVER DEFENDANT

This court does not have jurisdiction over Shailesh "Sam" Jain (hereinafter Sam

Jain or Jain) because the Defendant is not amenable to process issued by the courts of Texas because:

a. The Defendant is not a resident of Texas and is not required to maintain and does not maintain a registered agent for service in Texas;

b. The Defendant does not maintain a place of business in Texas and has no employees, servants, or agents within the state.;

c. The Defendant does not now engage and has not engaged in business in Texas or committed any tort, in whole or in part, within the state;

d. The Defendant has no substantial connection with Texas arising from any action or conduct of the Defendant purposefully directed toward Texas;

e. The Plaintiff's claims do not arise from and are not related to any activity conducted by the Defendant in Texas;

f. Defendant did not commit acts or consummate transactions as alleged by Plaintiff that constitute the required contact with the forum state.

g. Defendant has not entered into a contract by mail or otherwise with Texas resident that is performable in whole or in part by either part in Texas.

h. The Defendant has no continuing and systematic contacts with Texas.

i. Defendant is not an alter ego of CheapoAir, Fareportal, or Travelong, as alleged in Plaintiff's Original Petition.

4. JURISDICTION DEPRIVES DEFENDANT OF DUE PROCESS

The assumption of jurisdiction by the court over the Defendant would offend traditional notions of fair play and substantial justice, depriving the Defendant of due process as guaranteed by the Constitution of the United States. The Due Process Clause of the Fourteenth Amendment to the Constitution limits the power of a state court to exert personal jurisdiction over a nonresident. See Asahi Metal Indus. Co. v. Super. Ct. of Cal., 480 U.S. 102, 108 (1987).

5. FACTS IN SUPPORT THEREOF

A. Defendant is not subject to personal jurisdiction in Texas.

For personal jurisdiction to exist, the defendant's contacts with the state must give rise to either specific or general jurisdiction. See BMC Software Belgium, N.V. v. Marchand, 83 S.W.3d 789,795 (Tex. 2002). Specific jurisdiction is obtained when the litigation arises out of or relates to the defendant's contacts with Texas; general jurisdiction is obtained when the defendant's contacts with Texas are continuing and systematic as well as substantial. Helicopteros Nacionales de Colombia v. Hall, 466 U.S. 408, 414 nn.8, 9, 416-418 (1984); BMC Software Belgium, N.V. v. Marchand, 83 S.W.3d 789, 795 (Tex. 2002); See Townsend v. University Hospital, 83 S.W. 3d 913, 920 (Tex. App.--Texarkana 2002, pet. denied).

Defendant has never purposefully established "minimum contacts" with Texas. Burger King Corp. b. Rudzewicz, 471 U.S. 462, 472-474 (1985). In addition, the

exercise of jurisdiction would offend traditional notions of fair play and substantial justice. International Shoe Co. v. Washington, 326 U.S. 310, 316 (1945).

i. Defendant is not an alter ego of any other Defendant in this cause of action.

Plaintiff alleges that CheapoAir, Fareportal, and Travelong are alter egos for Jain. The general rule is that a court may not assert personal jurisdiction over an individual based on the individual's relation to a corporation unless the corporation is the individual's alter ego. Royal Mortgage Corp. v. Montague, 41 S.W.3d 721, 738 (Tex.App—Fort Worth 2001, no pet. h.); Al-Turki v. Taher, 958 S.W.2d 258, 263 (Tex.App—Eastland 1997, pet. den'd); Vosko v. Chase Manhattan Bank, N.A., 909 S.W.2d 95, 99 (Tex.App.—Houston [14th Dist.] 1995, writ. denied). Plaintiff has asserted the allegation of alter ego without providing any facts to support such and based that assertion solely upon its “belief” of said allegations. CheapoAir, Travelong, and Fareportal are not alter egos for Defendant Jain.

ii. Defendant does not have "minimum contacts" with the State of Texas.

The minimum contracts doctrine requires that the defendant "deliberately" engage in significant activities in the forum, "purposely directed" activities at residents of the forum state, or create "continuing relationships and obligations." Burger King Corp. v. Rudzewicz, 471 U.S. 462, 472-474 (1985). The contact with Texas must have resulted from the nonresident's purposeful contact. Michiana Easy Livin' Country v. Holten, 168 S.W.3d 777, 788-792 (Tex. 2005); See also Meader v. IRA Res., Inc., 178 S.W.3d 388,

3470349 (Tex. App.--Houston [14th Dist.] 2005, no pet.). Minimum contacts do not exist in this case because defendant has engaged in no acts, nor has Plaintiff alleged any acts by which the defendant purposefully took advantage of the privileges of conducting activities in Texas and invokes the benefits and protections of the laws of Texas. See CSR Ltd. v. Link, 925 S.W.2d 591, 594 (Tex. 1996).

Defendant Sam Jain is an individual and Plaintiff has failed to allege or adduce any evidence that Jain engaged in any conduct complained of by Plaintiff, in Jain's individual capacity. Jain is a resident of the State of New York. He does not maintain a regular place of business in the State of Texas, nor conduct business in this state. Defendant has no offices, employees or bank accounts in Texas. See CSR at 594. Jain does not advertise in Texas. Jain does not have any ties to Texas.

Personal jurisdiction over Jain can not be based on jurisdiction over the other defendants in this suit merely by association. See Siskind v. Villa Found. for Educ., 462 S.W.2d 434, 438 (Tex. 1982); See also Cadle v. Graubart, 990 S.W.2d 469, 472-473 (Tex. App.--Beaumont 1999, no pet.). Jain has not purposefully availed himself to suit in Texas; he does not have minimal contact with the State of Texas; and, it would offend traditional notions of fair play and justice to exercise jurisdiction over Jain.

Plaintiff blindly alleges in its pleading that Defendant has knowingly caused injury in Texas, by way of costing Plaintiff, whose headquarters are located in Texas, monetary damages. Even if the Court were to find that Defendant caused injury in Texas, causing

injury in Texas cannot, by itself, establish necessary minimum contacts required for jurisdiction. See City of Riverview, MI v. Am. Factors, Inc., 77 S.W. 3d 855, 858 (Tex. App. -- Dallas 2002, no pet.).

iii. Defendant had no foreseeability of litigation in Texas.

Courts consider defendant's foreseeability of litigation when determining whether the defendant has minimal contacts, such that he purposefully availed himself to the privilege of conducting activities in Texas. BMC Software Belgium, N.V. v. Marchand, 83 S.W.3d 789,795 (Tex. 2002); Shell Compania Argentina de Petroleo, S.A. v. Reef Exploration, Inc., 84 S.W.3d 830, 837 (Tex. App.--Houston [1st Dist.] 2002, pet. denied; See Michiana Easy Livin' Country, Inc. b. Holten, 168 S.W.3d 777, 784-785 (Tex. 2005).

Forseeability is critical to the due process analysis. World-Wide Volkswagen Corp. v. Woodson, 444 U.S. 286, 297 (1980). According to World-Wide Volkswagen, the court should analyze whether the defendant's conduct and connection with the forum state are such that the defendant should reasonably anticipate being haled into court in the forum state. Defendant does not engage in business in Texas, does not advertise in Texas, and in general has no dealings with Texas or Texas residents. Jain is a corporate officer being sued under a theory of alter ego. Thus, there is no foreseeability on the part of the Defendant Jain that he should reasonably anticipate being haled in to a Texas court.

iv. Exercise of jurisdiction would offend the traditional notions of fair play and substantial justice.

The assertion of personal jurisdiction would offend traditional notions of 'fair play

and substantial justice.'" Burger King at 472-474.

The Courts in Burger King and World-Wide Volkswagen provided factors in which to analyze 'fair play and substantial justice'. The first factor for the court to consider is the burden on the nonresident to litigate in a distant forum. Defendant is an individual resident in New York State. It would be a considerable burden for Defendant to litigate this matter in Texas, while American Airlines would not be inconvenienced by litigation in New York. Unlike Jain, who is being "haled in" to Texas, American Airlines has a substantial business presence in the State of New York, has employees and property in New York, and is registered to do business in New York. The impact of Defendant's alleged conduct, even if Plaintiff's assertions are taken as true, is minimal on the State of Texas and the residents of Texas.

B. Defendant is not subject to general jurisdiction in Texas; Defendant does not have substantial contacts with Texas which are continuous and systematic.

General jurisdiction requires an even more demanding minimum contacts analysis than specific jurisdiction. BMC Software at 797; CSR Ltd. at 595. In order to exercise general jurisdiction over a defendant, the defendant's contacts with Texas must be continuous and systematic as well as substantial. Id. Plaintiff has the burden of making an extensive showing of defendant's substantial activities in Texas to constitute assertion of general jurisdiction. Defendant Jain has not engaged in continuous and systematic contacts or activities in Texas, nor has Plaintiff adduced any evidence of such. Defendant incorporates all of the facts above in its argument against general jurisdiction. Plaintiff

has not met its burden; and, thus, Defendant is not subject to general jurisdiction in Texas.

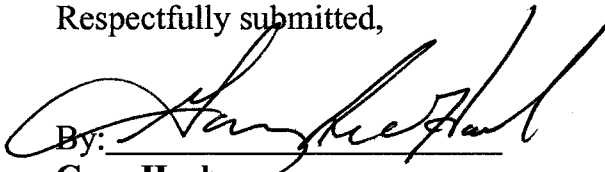
6. CONCLUSION

Defendant has negated all the bases of personal jurisdiction alleged by the plaintiff as required. See American Type Culture Collection v. Coleman, 83 S.W.3d 801, 807 (Tex. 2002). The burden of establishing the existence of jurisdictional contacts is on the plaintiff. See BMC Software Belg., N.V. v. Marchand, 83 S.W.3d 789, 798-799 (Tex. 2002). Plaintiff fails to meet this burden; thus, Defendant is not subject to jurisdiction.

7. PRAYER

For these reasons, the Defendants requests that the court set this motion for hearing on notice to American Airlines, Inc., the Plaintiff, and that after hearing, the court grant this motion and dismiss the entire proceeding as to Defendant Jain for want of jurisdiction.

Respectfully submitted,

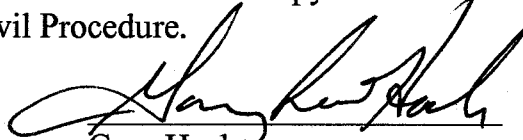
By: 

Gary Hach
Texas Bar Number 08667020
Hach Law Office

312 W. Northwest Hwy.
Grapevine, Texas 76051
(817) 421-3600
(817) 421-3680 (Facsimile)

CERTIFICATE OF SERVICE

I certify that on February 1, 2008, a true and correct copy of the above was served in accordance with the Texas Rules of Civil Procedure.


Gary Hach

VERIFICATION

STATE OF NEW YORK

§

§

COUNTY OF NASSAU

§

BEFORE ME, the undersigned Notary Public, on this day personally appeared Shailesh "Sam" Jain, Defendant herein, who, being first duly sworn, stated under oath that he is a named defendant in this cause; that he has read the above Defendant Shailesh "Sam" Jain's Special Appearance Motion; and that every statement contained in the Special Appearance Motion is within his personal knowledge and is true and correct.

 Shailesh "Sam" Jain

SUBSCRIBED TO AND SWORN TO before me on this the 1st day of
Feb 2008.

 Notary Public in and for the State of New York

My commission expires: 03/26/2011

Thomas L. Cheung
 Notary Public
 01CH6088227
 Qualified in Queens County
 Commission Expires 03/03/2011

14

CAUSE NO. 017-227960-07

AMERICAN AIRLINES, INC.	§	IN THE JUDICIAL DISTRICT OF
	§	
v.	§	
	§	
BIZTRAVELDEALS.COM d/b/a	§	
CHEAPOAIR.COM, SHAILESH "SAM"	§	TARRANT COUNTY
JAIN, FAREPORTAL, INC.,	§	
TRAVELONG, INC., TRAVELFOCUS,	§	
L.L.C., XTS CORPORATION,	§	
ULTIMATEFARES.COM, and TRAVEL	§	
SUPPORT CENTER, INC. d/b/a	§	
TRAVELATION, f/k/a CORONADO	§	
TRAVEL GROUP, INC.	§	17TH JUDICIAL DISTRICT

TRAVELONG, INC.'S ANSWER TO PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW TRAVELONG, INC, Defendant, makes and files this Answer to Plaintiff's Original Petition, and by way of answer shows:

I. General Denial

Defendant Travelong, Inc. generally denies the allegations in Plaintiff's Original Petition and requires strict proof of the allegations therein.

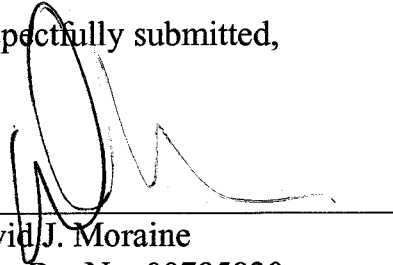
Defendant Travelong, Inc. reserves the right to supplement this general denial with affirmative claims in defense, and other claims at law or in equity.

II. Jury Demand

Defendant Travelong, Inc., Inc. demands trial by jury. The jury fee has been paid.

FILED
TARRANT COUNTY
2008 FEB -1 PM 4:21
THOMAS A. WIDDER
DISTRICT CLERK

Respectfully submitted,

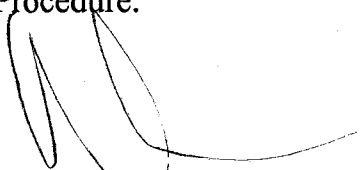


David J. Moraine
State Bar No. 00795830
Victoria M. Rossi
State Bar No. 24053697
Marchand & Moraine, L.L.P.
Ten Thousand North Central Exwy
Suite 1043
Dallas, Texas 75231
Telephone: 214-378-1043
Facsimile: 214-378-6399

Attorneys for Defendants
Biztraveldeals.com, CheapoAir.com,
FarePortal, Inc. and Travelong, Inc.

CERTIFICATE OF SERVICE

I certify that on February 1, 2008, a true and correct copy of the above was served in accordance with the Texas Rules of Civil Procedure.



David J. Moraine

15

CAUSE NO. 017-227960-07

AMERICAN AIRLINES, INC.	§	IN THE JUDICIAL DISTRICT OF
	§	
v.	§	
	§	
BIZTRAVELDEALS.COM d/b/a	§	
CHEAPOAIR.COM, SHAILESH "SAM"	§	TARRANT COUNTY
JAIN, FAREPORTAL, INC.,	§	
TRAVELONG, INC., TRAVELFOCUS,	§	
L.L.C., XTS CORPORATION,	§	
ULTIMATEFARES.COM, and TRAVEL	§	
SUPPORT CENTER, INC. d/b/a	§	
TRAVELATION, f/k/a CORONADO	§	
TRAVEL GROUP, INC.	§	17TH JUDICIAL DISTRICT

FAREPORTAL, INC.'S ANSWER TO PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE COURT:

COMES NOW FAREPORTAL, INC, Defendant, and on behalf of itself and its brand names CheapoAir.com and Biztraveldeals.com, makes and files this Answer to Plaintiff's Original Petition, and by way of answer shows:

I. General Denial

Defendant Fareportal, Inc. generally denies the allegations in Plaintiff's Original Petition and requires strict proof of the allegations therein.

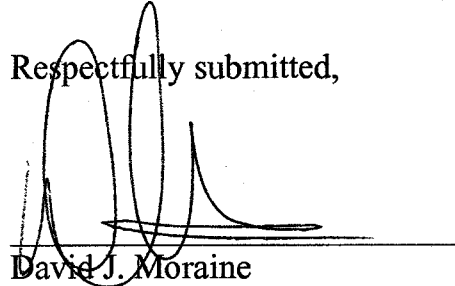
Defendant Fareportal, Inc. reserves the right to supplement this general denial with affirmative claims in defense, and other claims at law or in equity.

FILED
TARRANT COUNTY
2008 FEB - 1 PM 4: 21
THOMAS A. WILDER
DISTRICT CLERK

II. Jury Demand

Defendant Fareportal, Inc. demands trial by jury pursuant to Texas Rule of Civil Procedure Rule 216, and has on this date tendered the jury fee to the Clerk of the Court.

Respectfully submitted,

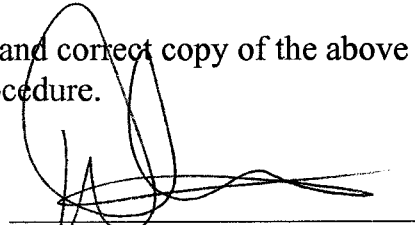


David J. Moraine
State Bar No. 00795830
Victoria M. Rossi
State Bar No. 24053697
Marchand & Moraine, L.L.P.
Ten Thousand North Central Exwy
Suite 1043
Dallas, Texas 75231
Telephone: 214-378-1043
Facsimile: 214-378-6399

Attorneys for Defendants
Biztraveldeals.com, CheapoAir.com,
FarePortal, Inc. and Travelong, Inc.

CERTIFICATE OF SERVICE

I certify that on February 1, 2008, a true and correct copy of the above was served in accordance with the Texas Rules of Civil Procedure.



David J. Moraine

16

CAUSE NO. 017-227960-07

AMERICAN AIRLINES, INC.	§	IN THE JUDICIAL DISTRICT OF
	§	
v.	§	
	§	
BIZTRAVELDEALS.COM d/b/a	§	
CHEAPOAIR.COM, SHAILESH "SAM"	§	TARRANT COUNTY
JAIN, FAREPORTAL, INC.,	§	
TRAVELONG, INC., TRAVELFOCUS,	§	
L.L.C., XTS CORPORATION,	§	
ULTIMATEFARES.COM, and TRAVEL	§	
SUPPORT CENTER, INC. d/b/a	§	
TRAVELATION, f/k/a CORONADO	§	
TRAVEL GROUP, INC.	§	17TH JUDICIAL DISTRICT

SAM JAIN'S ANSWER TO PLAINTIFF'S ORIGINAL PETITION

TO THE HONORABLE JUDGE OF THE COURT:

COMES NOW SAM JAIN, Defendant, makes and files this Answer to Plaintiff's Original Petition, and by way of answer shows:

I. General Denial

Defendant, Sam Jain generally denies the allegations in Plaintiff's Original Petition and requires strict proof of the allegations therein.

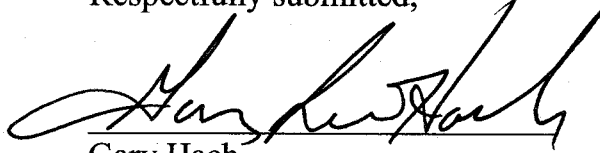
Defendant Sam Jain reserves the right to supplement this general denial with affirmative claims in defense, and other claims at law or in equity.

II. Jury Demand

Defendant Sam Jain demands trial by jury. The jury fee has been paid.

FILED
TARRANT COUNTY
2008 FEB -1 PM 4:21
THOMAS A. WILDER
DISTRICT CLERK

Respectfully submitted,



Gary Hach

State Bar No. 08667020

Hach Law Office

312 W. Northwest Hwy.

Grapevine, Texas 76051

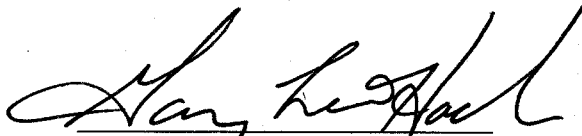
Telephone: 817- 421-3600

Facsimile: 817-421-3680

Attorney for Sam Jain

CERTIFICATE OF SERVICE

I certify that on February 1, 2008, a true and correct copy of the above was served in accordance with the Texas Rules of Civil Procedure.



Gary Hach

CLERK OF COURT

2008 FEB -1 PM 4:59

RECEIVED
U.S. DISTRICT COURT
NORTHERN DIST. OF TX
FORT WORTH DIVISION

FEB - 1 2008

CIVIL COVER SHEET

(Rev. 12/07)

The JS 44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the clerk of court for the purpose of filing the civil cover sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

CLERK OF COURT
NORTHERN DISTRICT OF TEXAS

I. (a) PLAINTIFFS

American Airlines, Inc.

(b) County of Residence of First Listed Plaintiff Tarrant

(EXCEPT IN U.S. PLAINTIFF CASES)

(c) Attorney's (Firm Name, Address, and Telephone Number)

Dee J. Kelly, Jr., Kelly Hart & Hallman, L.L.P., 201 Main St., Suite 2500, Fort Worth, TX 76102 (817)332-2500

DEFENDANTS

Biztraveldeals.com d/b/a CheapoAir.com, Shailesh "Sam" Jain, FarePortal, Inc., Travelong, Inc., Travelfocus, L.L.C.,

County of Residence of First Listed Defendant

(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE LAND INVOLVED.

Attorneys (If Known)

See attachment **4-08 CV - 069 - A**

II. BASIS OF JURISDICTION (Place an "X" in One Box Only)

- ☐ 1 U.S. Government Plaintiff ☒ 3 Federal Question (U.S. Government Not a Party)
- ☐ 2 U.S. Government Defendant ☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

III. CITIZENSHIP OF PRINCIPAL PARTIES (Place an "X" in One Box for Plaintiff and One Box for Defendant)

- | | | | | | |
|---|----------------------------|----------------------------|---|----------------------------|----------------------------|
| | PTF | DEF | | PTF | DEF |
| Citizen of This State | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business In This State | <input type="checkbox"/> 4 | <input type="checkbox"/> 4 |
| Citizen of Another State | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business In Another State | <input type="checkbox"/> 5 | <input type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation | <input type="checkbox"/> 6 | <input type="checkbox"/> 6 |

IV. NATURE OF SUIT (Place an "X" in One Box Only)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Miller Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veteran's Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability <input type="checkbox"/> 196 Franchise	PERSONAL INJURY <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury PERSONAL INJURY <input type="checkbox"/> 362 Personal Injury - Med. Malpractice <input type="checkbox"/> 365 Personal Injury - Product Liability <input type="checkbox"/> 368 Asbestos Personal Injury Product Liability PERSONAL PROPERTY <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 PROPERTY RIGHTS <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 480 Consumer Credit <input type="checkbox"/> 490 Cable/Sat TV <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 890 Other Statutory Actions <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes
REAL PROPERTY <input type="checkbox"/> 210 Land Condemnation <input type="checkbox"/> 220 Foreclosure <input type="checkbox"/> 230 Rent Lease & Ejectment <input type="checkbox"/> 240 Torts to Land <input type="checkbox"/> 245 Tort Product Liability <input type="checkbox"/> 290 All Other Real Property	CIVIL RIGHTS <input type="checkbox"/> 441 Voting <input type="checkbox"/> 442 Employment <input type="checkbox"/> 443 Housing/Accommodations <input type="checkbox"/> 444 Welfare <input type="checkbox"/> 445 Amer. w/Disabilities - Employment <input type="checkbox"/> 446 Amer. w/Disabilities - Other <input type="checkbox"/> 440 Other Civil Rights	PRISONER PETITIONS <input type="checkbox"/> 510 Motions to Vacate Sentence Habeas Corpus: <input type="checkbox"/> 530 General <input type="checkbox"/> 535 Death Penalty <input type="checkbox"/> 540 Mandamus & Other <input type="checkbox"/> 550 Civil Rights <input type="checkbox"/> 555 Prison Condition	LABOR <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act IMMIGRATION <input type="checkbox"/> 462 Naturalization Application <input type="checkbox"/> 463 Habeas Corpus - Alien Detainee <input type="checkbox"/> 465 Other Immigration Actions	SOCIAL SECURITY <input type="checkbox"/> 861 HIA (1395ff) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DIWC/DIWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) FEDERAL TAX SUITS <input type="checkbox"/> 870 Taxes (U.S. Plaintiff or Defendant) <input type="checkbox"/> 871 IRS—Third Party 26 USC 7609

V. ORIGIN

(Place an "X" in One Box Only)

- ☒ 1 Original Proceeding ☒ 2 Removed from State Court ☐ 3 Remanded from Appellate Court ☐ 4 Reinstated or Reopened ☐ 5 Transferred from another district (specify) ☐ 6 Multidistrict Litigation ☐ 7 Appeal to District Judge from Magistrate Judgment

VI. CAUSE OF ACTION

Cite the U.S. Civil Statute under which you are filing. (Do not cite jurisdictional statutes unless diversity):
17 U.S.C. 101, et seq., 17 U.S.C. 301(a)Brief description of cause:
Copyright and Trademark Infringement, Misappropriation and Injunctive Relief

VII. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION UNDER F.R.C.P. 23

DEMAND \$

CHECK YES only if demanded in complaint:

JURY DEMAND: ☐ Yes ☐ No

VIII. RELATED CASE(S) PENDING OR CLOSED

(See instructions):

JUDGE

DOCKET NUMBER

DATE

SIGNATURE OF ATTORNEY OF RECORD

2/1/08
FOR OFFICE USE ONLY

RECEIPT #

FW5210

AMOUNT

350

APPLYING IFP

JUDGE

A

MAG. JUDGE

PARTIES AND ATTORNEY CONTACT INFORMATION

<u>Party and Party Type</u>	<u>Attorney(s)</u>
American Airlines, Inc. – Plaintiff	Dee J. Kelly, Jr. - Bar No. 11217250 Kelly Hart & Hallman, L.L.P. 201 Main St., Suite 2500 Fort Worth, TX 76102 (817) 332-2500
	R. Paul Yetter – Bar No. 22154200 George H. Fibbe – Bar No. 24036559 Yetter & Warden, L.L.P. 909 Fannin, Suite 3600 Houston, TX 77010 (713) 632-8000
Fareportal, Inc. (and its brands Biztraveldeals.com and CheapoAir.com; Travelong, Inc. (Defendants)	David J. Moraine – Bar No. 00795830 Victoria M. Rossi – Bar No. 24053697 Marchand & Moraine, L.L.P. Ten Thousand North Central Expressway Tenth Floor, Suite 1043 Dallas, Texas 75231 (214) 378-1043
Shailesh “Sam” Jain (Defendant)	Gary Lee Hach – Bar No. 08667020 Hach Law Office 312 W. Northwest Hwy. Grapevine, Texas 76051 (817) 421-3600
Travelfocus, L.L.C. XTS Corporation d/b/a Travel Focus (Defendants)	Eric N. Whitney – Bar No. 00785241 Greenberg Traurig, L.L.P. 2200 Ross Avenue, Suite 5200 Dallas, TX 75201 (214) 665-3652
Travel Support Center, Inc. d/b/a Travelation f/k/a Coronado Travel Group, Inc. (Defendant)	Cheryl Jerome Moore – Bar No. 10652300 Joseph M. Cox – Bar No. 04950200 Shannon W. Conway – Bar No. 24052047 Patton Boggs L.L.P. 2001 Ross Avenue, Suite 3000 Dallas, TX 75201 (214) 758-1500

Ultimatefares, Inc (and its brand
Ultimatefares.com) (Defendants)

David J. Moraine – Bar No. 00795830
Victoria M. Rossi – Bar No. 24053697
Marchand & Moraine, L.L.P.
Ten Thousand North Central Expressway
Tenth Floor, Suite 1043
Dallas, TX 75231
(214) 378-1043

Todd Wind
Fredrickson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425
(612) 492-7046

**United States District Court
Northern District of Texas**

**Supplemental Civil Cover Sheet For Cases Removed
From State Court**

This form must be attached to the Civil Cover Sheet at the time the case is filed in the U.S. District Clerk's Office. Additional sheets may be used as necessary.

1. State Court Information:

Please identify the court from which the case is being removed and specify the number assigned to the case in that court.

<u>Court</u>	<u>Case Number</u>
17 th Judicial District Court of Tarrant County, Texas	017-227960-07

2. Style of the Case:

Please include all Plaintiff(s), Defendant(s), Intervenor(s), Counterclaimant(s), Crossclaimant(s) and Third Party Claimant(s) still remaining in the case and indicate their party type. Also, please list the attorney(s) of record for each party named and include their bar number, firm name, correct mailing address, and phone number (including area code.)

<u>Party and Party Type</u>	<u>Attorney(s)</u>
American Airlines, Inc. – Plaintiff	Dee J. Kelly, Jr. - Bar No. 11217250 Kelly Hart & Hallman, LLP 201 Main St., Suite 2500 Fort Worth, TX 76102 (817) 332-2500 R. Paul Yetter – Bar No. 22154200 George H. Fibbe – Bar No. 24036559 Yetter & Warden, LLP 909 Fannin, Suite 3600 Houston, TX 77010 (713) 632-8000
Fareportal, Inc. (and its brands Biztraveldeals.com and	David J. Moraine – Bar No. 00795830 Victoria M. Rossi – Bar No. 24053697

CheapoAir.com; Travelong, Inc.
(Defendants)

Marchand & Moraine, L.L.P.
Ten Thousand North Central Expressway
Tenth Floor, Suite 1043
Dallas, Texas 75231
(214) 378-1043

Shailesh "Sam" Jain
(Defendant)

Gary Lee Hach – Bar No. 08667020
Hach Law Office
312 W. Northwest Hwy.
Grapevine, Texas 76051
(817) 421-3600

Travelfocus, L.L.C.
XTS Corporation d/b/a Travel Focus
(Defendants)

Eric N. Whitney – Bar No. 00785241
Greenberg Traurig, L.L.P.
2200 Ross Avenue, Suite 5200
Dallas, TX 75201
(214) 665-3652

Travel Support Center, Inc. d/b/a
Travelation f/k/a Coronado Travel
Group, Inc. (Defendant)

Cheryl Jerome Moore – Bar No. 10652300
Joseph M. Cox – Bar No. 04950200
Shannon W. Conway – Bar No. 24052047
Patton Boggs LLP
2001 Ross Avenue, Suite 3000
Dallas, TX 75201
(214) 758-1500

Ultimatefares, Inc (and its brand
Ultimatefares.com) (Defendants)

David J. Moraine – Bar No. 00795830
Victoria M. Rossi – Bar No. 24053697
Marchand & Moraine, L.L.P.
Ten Thousand North Central Expressway
Tenth Floor, Suite 1043
Dallas, TX 75231
(214) 378-1043

Todd Wind
Fredrickson & Byron, P.A.
200 South Sixth Street, Suite 4000
Minneapolis, MN 55402-1425
(612) 492-7046

3. **Jury Demand:**

Was a Jury Demand made in State Court?

Yes X No

If "Yes," by which party and on what date? Fareportal, Inc. 2/1/08
Travelong, Inc. 2/1/08

4. **Answer:**

Was an Answer made in State Court? Yes X No

If "Yes," by which party and on what date?

Fareportal, Inc.	2/1/08
Travelong, Inc.	2/1/08
Shailesh "Sam" Jain (by way of special appearance)	2/1/08

5. **Unserved Parties:**

The following parties have not been served at the time this case was removed:

<u>Party</u>	<u>Reason(s) for No Service</u>
Ultimatefares.com	Service not yet completed

6. **Nonsuited, Dismissed or Terminated Parties:**

Please indicate any changes from the style on the State Court papers and the reason for that change:

<u>Party</u>	<u>Reason</u>
Not Applicable	

7. **Claims of the Parties:**

The filing party submits the following summary of the remaining claims of each party in this litigation:

<u>Party</u>	<u>Claim(s)</u>
Plaintiff American Airlines, Inc.	claims that Defendants unlawfully reproduced, distributed and redistributed its property, and has asserted such claims under headings of breach of contract, interference with contract, interference with prospective contractual relations, civil conspiracy, anti-dilution, trademark infringement, and misappropriation.

Defendant Sam Jain has filed a Special Appearance contesting personal jurisdiction.

Defendant Ultimatefares, Inc. intends to contest personal jurisdiction.

The remaining defendants have not at this time asserted counterclaims or crossclaims.